

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>ROOT, INC. <i>et al.</i>,</b>	)	
	)	
<i>Plaintiffs,</i>	)	Judge Sarah D. Morrison
	)	
v.	)	Magistrate Judge Elizabeth Preston Deavers
	)	
Brinson Caleb “BC” <b>SILVER, <i>et al.</i></b>	)	Case No. 2:23-cv-00512
	)	
<i>Defendants.</i>	)	

**MOTION OF RECEIVER, JERRY E. PEER, JR. TO ABANDON  
2019 RANGE ROVER AND CERTAIN PERSONAL PROPERTY  
OF DEFENDANT BRINSON CALEB SILVER**

Now comes the Court appointed receiver herein, Jerry E. Peer, Jr., (“Receiver”), by and through his undersigned counsel, and hereby moves this Court for an Order permitting Receiver to abandon: (1) a certain 2019 Range Rover [VIN SALWR2RV2KA834898]; and (2) personal property of Defendant, Brinson Caleb Silver, located at 8331 Bleriot Ave., Los Angeles, California. The payoff balance for the Range Rover exceeds its value and the personal property of Mr. Silver located at the Property (with the exception of an electric bike) is of little to no value and would not result in a net gain to the receivership estate if it were to be sold.

Respectfully submitted,  
PETERSON CONNERS LLP

/s/ Istvan Gajary  
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*Counsel for Receiver, Jerry E. Peer, Jr.*

**MEMORANDUM IN SUPPORT**

In accordance with the requirements of this Court's *Order*, filed May 12, 2023 [Doc. # 99], *Order Appointing Receiver*, filed May 17, 2023 [Doc. # 101], and *Order Amending Order Appointing Receiver*, filed June 7, 2023 [Doc. # 120] (hereinafter collectively "Receiver Order"), Jerry E. Peer, Jr. ("Receiver"), was appointed as Receiver of all monetary and real property assets of Mr. Brinson Caleb Silver, Collateral Damage, LLC and Eclipse Home Design, LLC (hereinafter collectively "Defendants"). Subsequent to his appointment, Receiver and his counsel visited Defendants' owned and leased real estate located in California. While in California, on July 17 and 18, 2023, Receiver took possession of a certain 2019 Range Rover [VIN SALWR2RV2KA834898] and secured same at a different location. Receiver and counsel also visited the property located at 8331 Bleriot Ave., Los Angeles, California ("Property"), which was leased by Mr. Brinson Caleb Silver. Receiver gained access to the Property and took a general inventory of the personal property located therein. In summary, Mr. Silver's clothing, furniture, exercise equipment and other miscellaneous items were stored at the Property.<sup>1</sup> In addition, there were other items, including clothing and accessories, presumably belonging to a Ms. Jocelyn Binder.<sup>2</sup> It appeared all property had been subjected to normal and daily wear and tear.

Since that time, Receiver has determined the balance due on the Range Rover exceeds the fair market value and therefore has determined it is in the best interests of this estate to surrender the Range Rover to the lender, Ally Financial. Please see attached "**Exhibit A.**"

In an effort to determine whether the personal property was of any significant value, worthy of liquidation at a sale, Receiver conducted his own research of the most notable (and believed to be most valuable) items, including but not limited to the exercise and flight simulator equipment.

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<sup>1</sup> Receiver will provide photographs at the request of the Court or any party to this action.

<sup>2</sup> Receiver makes this presumption due to Ms. Binder's name appearing on various items contained in the home.

This cursory investigation quickly revealed the equipment was of little value and the expenses of removing and liquidating the same would not be beneficial to the receivership estate. For example, the flight simulator located at the Property is listed new on Amazon for approximately \$300. The exercise equipment appears to be a heavily used Precor Elliptical Fitness Crosstrainer, which retails new on Amazon for approximately \$2,100. However, this item appears to be substantially damaged, with a significant crack appearing on the frame housing, with visible rust evident at the connection point between the handlebar and pedal assembly, and with a stripped and cut power cord. Also located at the property was an electric bike that Receiver believes is of some value to the estate. Further, Receiver has received an offer to purchase the electric bike and expects to file a motion to sell the e-bike within the next ten (10) days.

As a result of the foregoing, Receiver hereby respectfully requests that he be granted authority by this Court to abandon the personal property of Defendant Silver located at the Bleriot Property and further surrender any possessory interest in the real or personal property to the owner of the Bleriot property, Dr. Alex Sorokurs

Respectfully submitted,  
PETERSON CONNERS LLP

/s/ Istvan Gajary  
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*Counsel for Receiver, Jerry E. Peer*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was filed electronically on this 5th day of December, 2023 with the Clerk of Court using the CM/ECF system. Service will be made through the Court's CM/ECF system on all parties and attorneys so registered, and all parties may access this filing through the Court's system.

A printed copy was sent via regular U.S.P.S. mail to the following:

BRINSON CALEB SILVER  
BUTLER COUNTY JAIL  
Inmate No. 303850  
705 Hanover Street  
Hamilton, Ohio 45011

COLLATERAL DAMAGE, LLC  
c/o BRINSON CALEB SILVER  
BUTLER COUNTY JAIL  
Inmate No. 303850  
705 Hanover Street  
Hamilton, Ohio 45011

ECLIPSE HOME DESIGN, LLC  
c/o BRINSON CALEB SILVER  
BUTLER COUNTY JAIL  
Inmate No. 303850  
705 Hanover Street  
Hamilton, Ohio 45011

Paige McDaniel  
5576 Alexanders Lake Rd.  
Stockbridge, Georgia 30281

/s/ Istvan Gajary

GREGORY S. PETERSON (0061915)

JERRY E. PEER, JR. (0075128)

ISTVAN GAJARY (0089084)

# Payoff Quote Results from Ally

**Dealership Name:** ENCINITAS FORD

**Applicant:**

**Name:** Brinson Silver

**Account Number:** 228071424963

**Quote Details:** Retail Early Termination

**Transaction Type**

Retail

**Vehicle Info:**

**VIN**

SALWR2RV2KA834898

**Year**

2019

**Make**

Land Rover

**Model**

Range Rover Sport

**Payment Info:**

**Payments Remaining**

53

**Term in Months**

72

**Payoff Amount**

\$44,944.09

**Payoff Requested Date**

10/23/2023

**Dollar Day Rate(Per Diem)**

\$14.50

**Good Through Date**

10/27/2023

**Payoff Address/Instructions**

Effective January 6th, 2020, all Lessee Return Quotes will include any applicable security deposit.

**Remit payment through SmartCash or mail check with the full 17 character VIN included to:**

Ally Financial  
Payment Processing  
PO Box 9001951  
Louisville, KY 40290-1951

Thank you for using Ally Financial. Should you have any questions, please contact Ally customer service professional at 1-888-919-2559.

**Comments:**

This quote is contingent on all prior payments clearing the financial institution against which they were drawn. The amount required to payoff the account today is \$44,886.09. Quote Amount shown above anticipates Ally receiving the payment on 10/23/2023. You can calculate the payoff amount for any day by adding \$14.50 each day to the amount owed today.

**Disclaimer: Payoff Quote results information is provided by Finance Source. RouteOne does not verify the accuracy of this information.**

**Exhibit A**



# VEHICLE REGISTRATION INQUIRY REPORT

\*\*\*\*\*  
 Notice: DMV info use subject to DMV Commercial Requester Account agreement  
 \*\*\*\*\*

Reference: RL105842863 Date: 10/23/2023  
 Requested: SALWR2RV2KA834898 Time: 12:27 PM PDT  
 Reason: VEHICLE TRADE-IN User ID: DB (USERID=34738)  
 Note: .

## REGISTERED OWNER

NAME: SILVER BRINSON  
 ADDRESS:  
 COUNTY:  
 ZIP CODE: ALLOC COUNTY:

## LEGAL OWNER (LIENHOLDER) INFO

NAME: ALLY FNCL  
 ADDRESS: PO BX 8128  
 COCKEYSVILLE  
 MD  
 ZIP CODE: 21030

## VEHICLE INFO

EXPIRES: 02/02/23 VLF CLASS: VF  
 VIN: SALWR2RV2KA834898 MOTIVE POWER: G  
 LICENSE: 8ZZY005 ENGINE NO:  
 YR MODEL: 2019 WEIGHT:  
 YR SOLD: 2019 AXLES:  
 \* YEAR: 2021 UNLADEN WGT:  
 BODY TYPE: UT VEH TYPE: 12  
 EQUIP NO: HULL NO:  
 MAKE: LNDR SUB PLATE:  
 CYLINDERS: HULL MATERIAL:  
 PFR ACCT #:  
 TYPE: Auto (11)

Date of latest Registration Card Issuance: 01/10/2022  
 Date of latest Ownership Certificate Issuance: 01/10/2022

## RECORD STATUS

02/04/19 SMOG DUE 02/02/27  
 LIENHOLDER PAPERLESS TITLE X21220112  
 01/10/22 PREV LIC 8HFX157  
 12/12/22 VEH REG SUSPENDED EFF: 12/12/2022

## PARKING VIOLATIONS ON FILE

CITATION #	VIODATE	COURT	BAIL	STAT	LICENSE	DISPDATE	ADD-DATE
603178837	02/27/22	30010	106	P	8ZZY005		06/30/22
618857511	07/23/22	30010	106	P	8ZZY005		11/05/22
618902278	07/23/22	30010	106	P	8ZZY005		11/05/22
624715054	09/14/22	30010	014	P	8ZZY005		01/18/23
19035619	09/24/22	33001	060	P	8ZZY005		12/27/22
000000013048438	09/24/22	33000	058	P	8ZZY005		01/06/23
000000013045965	09/24/22	30011	061	P	8ZZY005		01/06/23
4565682214	05/23/23	19312	106		8ZZY005		08/16/23
4565682203	05/23/23	19312	191		8ZZY005		08/16/23
4568192683	06/12/23	19312	106		8ZZY005		09/06/23
4568192672	06/12/23	19312	191		8ZZY005		09/06/23



## ODOMETER NOTICE

12/10/2021-ODOMETER: 28,375 MILES ACTUAL MILEAGE

END of DMV PRINTOUT

## Fee Calculation Report

\*\*\*\*\* NOTICE \*\*\*\*\*  
FEE ESTIMATE based on DMV-supplied data and disregards any title transfer  
taking place or other specific credits or charges.

Time Period 2/2/2023 - 2/2/2024

CURRENT REGISTRATION	\$	65
CURRENT CHP	\$	30
CURRENT VLF	\$	393
CURRENT COUNTY SAFE FEE	\$	1
CURRENT FINGERPRINT ID FEE	\$	1
CURRENT AIR QUALITY MANAGEMENT DISTRICT	\$	4
CURRENT TRANSPORTATION IMPROVEMENT FEE	\$	206
CURRENT REGISTRATION PENALTY	\$	30
CHP PENALTY	\$	30
CURRENT VLF PENALTY	\$	236

Subtotal \$ 996

ESTIMATED FEES DUE NOW \$ 996

## End of Fee Calculation Report

**DISCLAIMER:** AVRS is providing the above information at the request of its customer. Such information is provided to AVRS by the California Department of Motor Vehicles (DMV) from its database as of the date shown. AVRS acquires the information and, in turn, provides such information to the customer in a readable format. The information is based on DMV data that AVRS has acquired from the DMV on the date shown, but which by its nature is dynamic and subject to rapid and/or abrupt changes over time. AVRS uses its best efforts to acquire and decode the information from the DMV database. However, AVRS assumes no responsibility for the accuracy of the information acquired from the DMV.